IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 437 OF 1985

M/s. Laxmi Texturising Industries
Private Ltd. ... Plaintiffs.

Versus.

M/s. Kalbro Fabrics Pvt. Ltd. ... Defendants.

Mr. V.J. Brahmabhatt for the Plaintiffs.

CORAM : S.K.Shah, J.
DATE : November 24, 2005.
P.C.

1. This is undefended Suit.

2. The Suit is for recovery of price of goods sold and delivered to the defendants.

3. In support of the claim, the Plaintiff- Company has filed the affidavit of Mr. Shailesh Shah, Director of the Plaintiff- Company. The Plaintiff-Company has also filed the original documents, such as delivery challan, dated 21.7.1984, 27.7.1984; two invoices, dated 21.7.1984 and 30.7.1984. The goods supplied to the defendant - Company were Texturised Polyester Yarn. As per the Invoice dated 21.7.1984, goods supplied were worth Rs. 64,296.60 Ps. and after deducting the brokerage, the total amount due as per that Invoice was Rs. 63,975.12 Ps. and as per invoice, dated 30.7.1984

the goods supplied to the defendant were worth Rs. 47, 241.60 Ps. and after deducting the brokerage, the amount due was Rs. 47,005.39 Ps. The Delivery Challan at Exhibit A-1 and A-2 shows the delivery of the gods having been made to the defendant. The defendant's letter, dated 31.8.1984 shows that they have lifted the Yarn i.e. 999.19 Kgs. of Wrap and 499 Kgs. of Weft.

4. These documents supported by the affidavit of the Director of the Plaintiff Mr. Shailesh Shah, proves the claim of the Plaintiff.

5. Consequently, the Suit of the Plaintiff-Company is hereby decreed in terms of Prayer clause (9) of the plaint.

. Decree be drawn up accordingly.

. Court fee, if any, be refunded, as per Rule.

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[S.K.Shah, J.]